

## Message Text

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ACTION OES-07

INFO OCT-01 EA-10 ISO-00 COM-02 ACDA-12 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 DLOS-09 DODE-00

DOE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00

H-01 INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02 SS-15

ICA-11 OIC-02 /150 W

-----039438 070354Z /21

R 070045Z JUL 78

FM AMEMBASSY SUVA

TO SECSTATE WASHDC 7592

INFO AMEMBASSY CANBERRA

AMEMBASSY PORT MORESBY

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

HICOMTERPACIS SAIPAN

CINCPAC HONOLULU HI

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CINCPAC ALSO FOR POLAD; HICOMTERPACIS FOR STATUS LNO

E.O. 11652: N/A

TAGS: EFIS, PLOS, FJ, XP

SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY

SUMMARY: FIJI SECRETARY OF FOREIGN AFFAIRS HAS SUGGESTED TWO CHANGES TO DRAFT SPRFA CONVENTION SAYING CCEPTANCE WILL LIKELY GUARANTEE GOF APPROVAL OF DRAFT AND SUPPORT IN INFLUENCING APPROVAL BY OTHER FORUM MEMBERS. HANGES ARE ON SUBJECTS OF MEMBERSHIP AND ECONOMIC ZONES, AND ALTHOUGH THEY APPEAR ACCEPT-ABLE, EMBASSY RECOMMENDS DEPT. INSTRUCT THAT U.S. PREFERS NOT TO ENTERTAIN CHANGES AND THUS REOPEN NEGOTIATIONS. END SUMMARY.

1. DURING CALL ON 6 JULY TO PRESENT NEWLY ARRIVED DCM, JIOJI

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KOTOBALAVU, SECRETARY OF FOREIGN AFFAIRS, RAISED QUESTION OF SPRFA AND SAID THAT HE AND HIS COLLEAGUES WERE STILL STUDYING THE DRAFT CONVENTION BUT HAD NOT REACHED ANY DECISION.

HE WENT ON TO SAY, HOWEVER, THAT THERE WERE TWO MAIN OBJECTIONS TO THE DRAFT, ONE CONCERNING MEMBERSHIP (ARTICLE 15) AND THE OTHER QUESTIONOF SOVEREIGN RIGHTS OVER ECONOMIC ZZONE (ARTICLE ONE).

BEFORE PROCEEDING ANY FURTHER IN HIS CONSULTATIONS WITH THE FORUM

MEMBERS JOJI SAID HE WOULD LIKE TO HAVE THE U.S. REACTION TO TWO TENTATIVE PROPOSALS HE IS THINKING ABOUT IN CONNECTION WITH THESE TWO ARTICLES. HE HASTENED TO ADD THAT IF HIS SUGGESTIONS WERE ACCEPTABLE TO THE U.S. HE FELT CONFIDENT THAT FIJI COULD READILY ACCEPT THE DRAFT CONVENTION WHICH WOULD IN TURN INFLUENCE SOME OF THE RELUCTANT MEMBERS OF THE PACIFIC FORUM MAINLY PNG AND TONGA.

2. LATER IN THE DAY JOJI SENT AMBASSADOR A LETTER WHICH STATED PRESENT LANGUAGE OF ARTICLE 15 HAD COLONIAL OVERTONES. LETTER SAID, "WE WOULD LIKE TO HAVE THE US, THE UK AND FRANCE ADMITTED AS FULL MEMBERS OF THE ORGANIZATION NOT BECAUSE THEY ARE COLONIAL POWERS IN THE AREA BUT BECAUSE WE DO REGARD YOU AS OUR PARTNERS IN THE SOUTH PACIFIC. THERE IS ALSO NO HARM IN ACTUALLY LISTING THOSE COUNTRIES THAT WOULD COMPRISE THE ORIGINAL MEMBERSHIP OF THE ORGANIZATION. IN THIS REGARD, IF THE US FEELS THAT IT COULD GRANT LEGAL AUTHORITY TO ANY OF ITS TERRITORIES TO SIGN THE CONVENTION IN ITS OWN RIGHT, WE WOULD HAVE NO OBJECTION TO HAVE THIS TERRITORY LISTED AS ONE OF THE SIGNATORIES OF THE CONVENTION."

3. ATTACHEMENT TO LETTER CONTAINED SUGGESTED CHANGE TO ARTICLE 15 AS FOLLOWS:

BEGIN TEXT: REPLACE EXISTING ARTICLE XV BY THE FOLLOWING ARTICLE; "ARTICLE XV  
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"1. THIS CONVENTION SHALL BE OPEN FOR SIGNATURE BY THE GOVERNMENTS OF AUSTRALIA, THE COOK ISLANDS, FRANCE, FIJI, NAURU, NEW ZEALAND, TONGA, THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND WESTERN SAMOA.

"2. (A) ANY INDEPENDENT STATE WHICH SIGNS THE CONVENTION MAY, AT THE TIME OF SIGNATURE, DECLARE TO WHICH OF ITS TERRITORIES SITUATED IN THE REGION AND WHICH ARE NOT ENTITLED TO SIGN THE CONVENTION IN ITS OWN RIGHT THIS CONVENTION SHALL APPLY.

"(B) THE SCOPE OF ANY SUCH DECLARATION MADE ON SIGNATURE MAY, AT ANY TIME THEREAFTER, BE EXTENDED, BY A FURTHER DECLARATION, TO ANY ELIGIBLE TERRITORY NOT INCLUDED WITHIN THE SCOPE OF THE ORIGINAL DECLARATION.

"3. THIS CONVENTION IS SUBJECT TO RATIFICATION, ACCEPTANCE OR APPROVAL.

"4. INSTRUMENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL SHALL BE DEPOSITED WITH THE SOUTH PACIFIC BUREAU FOR ECONOMIC COOPERATION (HEREIN REFERRED TO AS 'THE DEPOSITARY')." END TEXT.

4. DURING THE DISCUSSION JOJI ATTEMPTED TO DEVELOP A

DISTINCTION BETWEEN SPRFA "FOUNDING MEMBERS" WHOSE STATUS AS SUCH WOULD BE ACQUIRED THROUGH THE SIGNATURE OF THE CONVENTION

AND OTHER ADDITIONAL GOVERNMENTS WHICH MIGHT BE APPROVED FOR MEMBERSHIP THROUGH THE DEPOSITION OF ANY INSTRUMENT OF ACCESSION TO THE SPRFA. HE RECOGNIZED THAT THERE CAN BE NO DISTINCTION BETWEEN MEMBERSHIP BY SIGNATURE AND MEMBERSHIP BY ACCESSION AS FAR AS RIGHTS AND OBLIGATIONS UNDER THE CONVENTION ARE CONCERNED, BUT SAID HE FELT THAT THE DRAFT CONVENTION SHOULD PROVIDE FOR SUCH DISTINCTION BY SPECIFYING THE TIME WITHIN WHICH THE FOUNDING MEMBERS SHOULD SIGN AND RATIFY THE CONVENTION.

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NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02 SS-15  
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5. HE ALSO FELT THAT PARAGRAPH 1B AND C OF ARTICL 15 WHICH SET FORTH THE CRITERIA FOR SPRFA MEMBERSHIP ARE BASICALLY POLITICAL IN NATURE WITH DANGEROUS IMPLICATIONS FOR THE FUTURE. HE THEORIZED THAT A GOVERNMENT WHICH SOMEHOW ACQUIRES A SMALL POSSESSION IN THE PACIFIC MAY ASSERT THE RIGHT TO BECOME A MEMBER OF THE SPRFA SIMPLY ON TH STRENGTH OF HAVING MET THE CRITERIA OF PARAGRAPHS 1B AND C OF DRAFT CONVENTION.

6. HIS POINT WITH REGARD TO ARTICLE 1 WAS THAT IT DOES NOT GO FAR ENOUGH IN CONVEYING RECOGNITION OF THE RIGHT OF THE FORUM ISLANDS TO ESTABLISH A 200 MILE ZONE. HE READILY CONCEDED THAT SUCH RIGHT MUST BE DEFINED IN A MANNER WHICH WILL

BE ACCEPTABLE TO THE U.S. I.E. BY AVOIDING THE USE OF THE  
WORD "EXCLUSIVE" IN CONNECTION WITH THE ECONOMIC ZONE AS WELL  
AS ANY REFERENCE TO "HIGHLY MIGRATORY SPECIES."  
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7. IN ORDER TO AVOID ANY FURTHER CHANGES IN THE LANGUAGE OF  
THE DRAFT CONVENTION, HE PROPOSED THAT THIS PARTICULAR POINT OF  
GOF BE COVERED THROUGH AN ADDITIONAL PARAGRAPH IN THE PREAMBLE  
WHICH COULD READ AS FOLLOWS:

"SUPPORTING THE RIGHT OF THE COASTAL COUNTRIES OF THE  
REGION TO ESTABLISH 200 MILES FISHING OR ECONOMIC ZONES IN  
WHICH THEY WILL HAVE SOVEREIGN RIGHTS TO EXPLORE AND EXPLOIT,  
CONSERVE AND MANAGE LIVING MARINE RESOURCES," JIOJI ASSERTED  
THAT THIS LANGUAGE SHOULD BE ACCEPTABLE BECAUSE IT IS  
CONSISTENT WITH LOS ANEGOTIATING TEXT.

8. ASKED ABOUT HIS ASSESSMENT OF THE PNG POSITION ON THE DRAFT  
CONVENTION HE SAID THAT HE BELIEVES PNG IS NOT VERY HAPPY WITH  
THE DRAFT BUT REPEATED AGAIN THAT IF THE FOREGOING GOF SUG-  
GESTIONS WERE TO BE ACCEPTABLE TO THE U.S., HE WOULD  
ALMOST GUARANTEE THAT PNG WOULD GO ALONG WITH THE ENTIRE DRAFT.  
HE ADDED THAT PNG IS KEENLY INTERESTED IN ITS CANDIDATE  
FOR THE POSITION OF DIRECTOR OF THE INTERIM SPRFA, NAMELY  
ROBERT KEARNEY OF THE SOUTH PACIFIC COMMISSION. ASKED IF GOF  
HAD A CANDIDATE OF ITS OWN HE REPLIED IN THE NEGATIVE BUT  
VOLUNTEERED THAT KEARNEY INDEED HAS THE NECESSARY QUALIFICATIONS  
AND THE EXPERIENCE WITH FISHERIES IN THE PACIFIC.

9. JIOJI ASKED THAT THE FOREGOING TWO CHANGES BE PRESENTED TO  
WASHINGTON WHICH THE AMBASSADOR AGREED TO DO WHILE EXPRESSING  
RESERVATIONS ABOUT THE DESIRABILITY OF REOPENING  
NEGOTIATIONS. JIOJI THEN SAID THAT GOF WOULD FIND IT EXTREMELY  
DIFFICULT TO ACCEPT DRAFT CONVENTION WITHOUT THE SUGGESTED  
CHANGES AND IMPLIED THAT GOF REJECTION OF THE DRAFT WOULD RESULT  
IN REJECTION BY OTHER FORUM MEMBERS. HE STRESSED IT IMPORTANT  
THAT LANGUAGE OF CONVENTION BE CONSISTENT WITH PACIFIC FORUM  
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PORT MORESBY DECLARATION, AND NOTED THAT SUGGESTED CHANGES  
WOULD SATISFY THIS REQUIREMENT.

10. EMBASSY RECOMMENDATION: ALTHOUGH SUGGESTED CHANGES  
APPEAR FROM OUR VANTAGE POINT TO BE SOMETHING THE U.S. CAN LIVE  
WITH, WE ARE AWARE THAT BY INFORMING JIOJI OF THEIR ACCEPTABILITY,

U.S. WILL APPEAR TO BE ACCEEDING TO, EVEN COLLUDING WITH, REOPENING NEGOTIATIONS ON LANGUAGE OF DRAFT CONVENTION. AS PREVIOUSLY REPORTED, JIOJI MAY BELATEDLY BE WISHING TO ASSERT HIS OPINION ON SUBJECT WITH EXCUSE THAT HE WAS NOT PRESENT THROUGHOUT MEETING WHICH AGREED TO DRAFT. WHILE VAILED THREAT THAT GOF WILL IN EFFECT SABOTAGE CONVENTION UNLESS CHANGES ARE ACCEPTED, MAY WELL BE JIOJI'S POSTURING, WE SHOULD NOT UNDERESTIMATE HIS INFLUENCE IN THE FORMULATION OF GOF POLICY. EMBASSY RECOMMENDS THAT DEPT. CONSIDER ACCEPTABILITY OF SUGGESTED CHANGES, BUT INSTRUCT AS AN INITIAL POSITION TO TELL JIOJI THAT THE U.S. PREFERS NOT TO ENTERTAIN CHANGES WHICH WILL REOPEN NEGOTIATIONS. THIS WOULD HOPEFULLY PREVENT OUR APPEARING TO PARTICIPATE IN SIDE NEGOTIATIONS OF WHAT WE HAD CONSIDERED TO BE A THOROUGHLY DISCUSSED AND GENERALLY ACCEPTABLE COMPROMISE FOR ESTABLISHMENT OF SPRFA.

11. REQUEST ADDRESSEES NOT SHARE CONTENTS OF THIS CABLE WITH HOST GOVERNMENTS, SINCE JIOJI REPEATEDLY TOLD US THAT HE DOES NOT INTEND TO BROACH SUBJECT TO ANYONE UNTIL IT HAD CHECKED OUT WITH US.  
CONDON

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## Message Attributes

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**Channel Indicators:** n/a  
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**Decaption Date:** 01 jan 1960  
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**Disposition Approved on Date:**  
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**Disposition Date:** 20 Mar 2014  
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